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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/574,351

06/07/2006

Eiji Muramatsu

8048-1153

9236

466 7590 01/23/2009

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EXAMINER

VERDERAME, ANNA L

ART UNIT

PAPER NUMBER

1795

MAIL DATE

DELIVERY MODE

01/23/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/574,351	<b>Applicant(s)</b> MURAMATSU ET AL.	
	<b>Examiner</b> ANNA L. VERDERAME	<b>Art Unit</b> 1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/03/2006, 03/12/2007, 04/11/2007, and 04/18/2008</u> .      | 6) <input type="checkbox"/> Other: _____                          |



**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of group I claims 15-18 in the reply filed on 12/31/2008 is acknowledged.

***Information Disclosure Statement***

Publication US 2003/063535 cited on the Information Disclosure Statements filed on April 11, 2007 and on March 12, 2007 is incorrectly cited and should be US 2003/0063535.

The Information Disclosure Statement filed on 4/11/2007 was a correction for the one filed on 3/12/2007.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. US 2004/0125738 in view of Narumi et al. US 2003/0185121.

In figure 5 Lee et al. discloses an optical recording medium that reads on claims 15 and 17- 18. The disc control data zone corresponds to applicant's control information area. The defect management zone corresponds to applicant's space

recited in claim 18. Address information of defects is written in the defect management zone(0049-0050). See figure 2 for illustration of recording/reproducing path.

The disc shown in figure 6B meets the limitations of claims 15, 16, and 18. In figure 6B the disc-related information areas correspond to the areas which are recorded in advance recited in instant claim 16(0051-0052). Address information of defects is written in the defect management zone. Section 0042 discusses the disc-related information areas(reproduction only areas). Reproduction only areas may include pre-pit areas(0068 and claims 16 and 18).

The discs of figure 5 and figure 6B do not have test writing areas in the first and second layer which a completely or partially out of overlap.

Narumi et al. discloses offset test areas in dual layer optical recording media(0197 and figure 14).

It would have been obvious to offset the test areas in the first and second layers of the media taught by Lee et al. based on the example of Narumi et al. and with the reasonable expectation of forming a useful optical recording media.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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-US2005-0013223-discloses a dual-layer optical recording medium wherein the optimal power control areas do not overlap(abstract). See for example figure 8.

-US 2003/0227846-entire reference-specifically (0025-0027).

-US 2002/0136122- teaches providing out-of-overlap test areas in the second and further recording layers of a multilayer recording medium(abstract) and benefits obtained by doing this(emphasis added).

-6,385,744- discloses that address information is recorded in a defect management zone(4/11-16).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANNA L. VERDERAME whose telephone number is (571)272-6420. The examiner can normally be reached on M-F 8A-4:30P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on (571)272-1385. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark F. Huff/  
Supervisory Patent Examiner, Art Unit 1795

/Anna L Verderame/  
Examiner, Art Unit 1795